BRESSLER, AMERY & ROSS (JMR 5116)
A Professional Corporation
17 State Street
New York, New York 10004
(212) 425-9300
Attorneys for Defendant
Morgan Stanley DW, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRIC KILKENNY, Plaintiff,	05 CV 6578 (NRB)
v.	
GREENBERG TRAURIG, LLP AND MORGAN STANLEY, INC., YVONNE TRIMARCHI and KAREN MORITA, Defendants.	**DEFENDANT MORGAN STANLEY DW, INC.'S NOTICE OF MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6) AND FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11**

TO: Patric Kilkenny, pro se
60 Cox Avenue
Armonk, NY 10504

SIR:

PLEASE TAKE NOTICE that at a date and time to be determined by the Court, the undersigned attorneys for Defendant Morgan Stanley DW, Inc. ("Morgan Stanley") will apply to the Honorable Naomi Reice Buchwald, U.S.D.J. at the United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street in New York City, New York for an Order dismissing the Complaint against Morgan Stanley pursuant to Federal Rule of Civil Procedure 12(b)(6) and for sanctions pursuant to Federal Rule of Civil Procedure 11.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant Morgan Stanley relies upon the accompanying Memorandum of Law and the Affidavit of J. Michael Riordan contemporaneously filed with this motion.

PLEASE TAKE FURTHER NOTICE that this application is being submitted with a proposed form of Order.

BRESSLER, AMERY & ROSS, P.C.
17 State Street
New York, New York 10004
Attorneys for Defendant
Morgan Stanley DW, Inc.

By: ______________________
J. Michael Riordan (JMR 5116)

Dated: New York, New York
September 28, 2005